

MAY 16 2018

JULIA S. DUDLEY, CLERK  
Deputy Clerk

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

BRUCE DWAYNE BARNES,	)	CASE NO. 7:10CV00544
	)	
Petitioner,	)	
v.	)	ORDER
	)	
	)	
WARDEN, POCAHONTAS STATE	)	
CORRECTIONAL CENTER,	)	By: Hon. Glen E. Conrad
	)	Senior United States District Judge
Respondent.	)	

In accordance with the accompanying memorandum opinion, it is hereby

**ADJUDGED AND ORDERED**

that petitioner's motion under Fed. R. Civ. P. 60(b) (ECF No. 25) is **DENIED**; the motion to substitute counsel for the respondent (ECF No. 28) is **DISMISSED** as moot; the Rule 60(b) motion is hereby **CONSTRUED** as a second or successive petition for a writ of habeas corpus under 28 U.S.C. § 2254, and the clerk **SHALL** docket it as such in a separate civil action.

ENTER: This 16<sup>th</sup> day of May, 2018.

  
\_\_\_\_\_  
Senior United States District Judge